

1 BILL NO. Z-84- 05-11

2 ZONING MAP ORDINANCE NO. Z- 12-84

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. 0-42.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

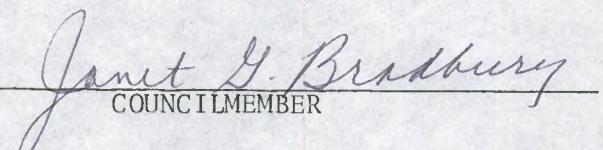
7 SECTION 1. That the area described as follows is hereby
8 designated an RA (Suburban Residential) District under the terms of
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

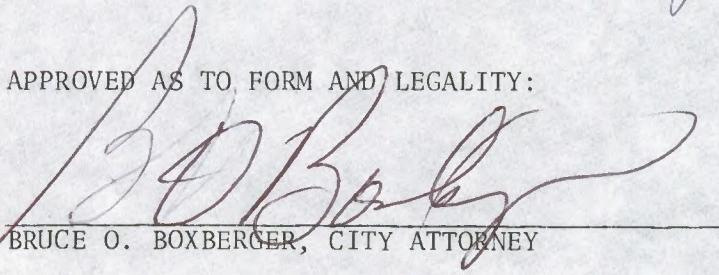
10 The Northeast Quarter of Section 13, Township 31 North,
11 Range 12 East in Allen County, Indiana, specifically
12 described as follows:

13 Commencing at a point that is South 89 degrees 51 minutes
14 West a distance of 635.6 feet and south 0 degrees 02 minutes
15 east a distance of 36.94 feet from the northeast corner of
16 said Northeast Quarter Section; thence South 81 degrees
17 24 minutes East a distance of 20.65 feet to a point; thence
18 North 89 degrees 59 minutes East a distance of 311.80 feet
19 to a point; thence South 16 degrees 05 minutes East a
distance of 141.5 feet to a point; thence along a curve to
the right having a chord distance of 272.0 feet and a bearing
of South 25 degrees 13 minutes West; thence continuing along
a curve to the right having a chord length of 336.15 feet and
a bearing of South 49 degrees 24 minutes West; thence North
0 degrees 02 minutes West a distance of 603.71 feet to the
Point of Beginning, containing 3.632 acres, more or less

20 and the symbols of the City of Fort Wayne Zoning Map No. 0-42, as established
21 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana,
22 are hereby changed accordingly.

23 SECTION 2. That this ordinance shall be in full force and effect
24 from and after its passage and approval by the Mayor.

25 
26 COUNCILMEMBER

27 APPROVED AS TO FORM AND LEGALITY:
28 

29 BRUCE O. BOXBERGER, CITY ATTORNEY
30
31
32

Read the first time in full and on motion by Bradbury, seconded by Gia Quinta, and duly adopted, read the second time by title and referred to the Committee Degeneration (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.S.

DATE: 5-15-84

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	—	—	—	—
<u>BRADBURY</u>	<u>✓</u>	—	—	—	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>EISBART</u>	<u>✓</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>HENRY</u>	<u>✓</u>	—	—	—	—
<u>REDD</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT</u>	<u>—</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 6-12-84

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-12-84
on the 12th day of June, 1984.

ATTEST: Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Bay-A-E-Bark
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 13th day of June, 1984,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of June,
1984, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses Jr.
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE MULTI-FAMILY USEI/We CLEARVIEW COMPANY

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an RA District the property described as follows:

N.E. 1/4 Acs Lot 1 Clearview Add. N.e W. of I-69 & S. of Cook Road Sec. 12 3.632 A.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one per centum (51%) or more of the property described in this petition.

Joe Baidinger
Jara Lee A. Baidinger

(Name)

P.O. Box 125
Spencerville
P.O. Box 165
Spencerville, In 46788

(Address)

Joe Baidinger
Jara Lee A. Baidinger

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Joe Baidinger

(Name)

10165 Spencerville Rd 46788

(Address & Zip Code)

238-4488

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Wm. C. BAER

REGISTERED PROFESSIONAL ENGINEER and LAND SURVEYOR
5009 AVONDALE DRIVE, FORT WAYNE, INDIANA 46806
Telephone 219-764-4193

Certificate of Survey

The undersigned Engineer, Registered as provided by an Act of the 79th General Assembly of the State of Indiana, hereby certifies that he has made a survey of real estate in the Northeast quarter of Section 13, Township 31 North, Range 14 East in Allen County, Indiana, specifically described as follows: commencing at a point that is South 89 degrees 51 minutes West a distance of 635.6 feet and South 0 degrees 02 minutes East a distance of 36.94 feet from the Northeast corner of said Northeast quarter section, thence South 81 degrees 24 minutes East a distance of 20.55 feet to a point, thence North 88 degrees 53 minutes East a distance of 311.80 feet to a point, thence South 16 degrees 05 minutes East a distance of 141.45 feet to a point, thence along a curve to the right having a chord distance of 272.0 feet and a bearing of South 25 degrees 13 minutes.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder. Allen

County, Indiana. No encroachments or overhang existed, except as noted hereon, and the dimensions and lines of the property are indicated on the following plat.

West, thence continuing along a curve to the right having a chord length of 336.15 feet and a bearing of South 49 degrees 24 minutes West, thence North 0 degrees 02 minutes West a distance of 633.71 feet to the point of beginning NW CORNER (PLAT) containing 3.632 acres, more or less.

NE CORNER (PLAT)
LOT #1 →

NE CORNER H4

COOK

ROAD S89°51'W 635.6 SEC 13-31-12

NORTH LINE SEC 13-31-12 (PLOD) (S89°51'W)
N 20.55 S 36.94 E 24' ACTUAL

CONC. MARKER
I.P.SLT

CONC. MARKER

I.P.SLT

3.632 Acres

CONC. MARKER

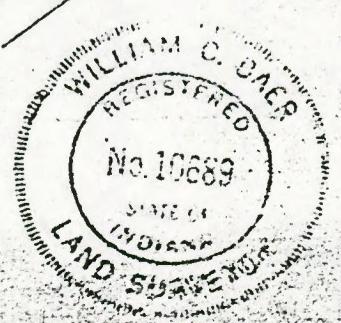
CHORD
ACCESS
AD 37.01' N 0°44' E 336.15

INTERSTATE
N

Surveyed 5-5-70

For Richard Lieberty

Survey No. 4570



The above Survey, Plot and Certificate are hereby certified correct:

Wm. C. Baer

REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

Lots 2, 3, 4, and 5 in Neuenschwander's Addition to the City of Fort Wayne, according to the Plat thereof, recorded in Plat Record 10, page 51, in the office of the Recorder of said county, except the West 15 feet of Lot 2 conveyed to the City of Fort Wayne by Document No. 73-10357,

and the symbols of the City of Fort Wayne Zoning Map No. P-31, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

7. SECTION 14 - That the area described as follows is hereby designated an RA (Suburban Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974:

The Northeast Quarter of Section 13, Township 31 North, Range 12 East in Allen County, Indiana, specifically described as follows:

Commencing at a point that is South 89 degrees 51 minutes west distance of 635.6 feet and south 0 degrees 02 minutes east a distance of 36.94 feet from the northeast corner of said Northeast Quarter Section; thence South 81 degrees 24 minutes East a distance of 20.65 feet to a point; thence North 89 degrees 59 minutes East a distance of 311.80 feet to a point; thence South 16 degrees 05 minutes East a distance of 141.5 feet to a point; thence along a curve to the right having a chord distance of 272.0 feet and a bearing of South 25 degrees 13 minutes West; thence continuing along a curve to the right having a chord length of 336.15 feet and a bearing of South 49 degrees 24 minutes West; thence North 0 degrees 02 minutes West a distance of 603.71 feet to the Point Of Beginning, containing 3.632 acres, more or less,

and the symbols of the City of Fort Wayne Zoning Map No. O-47, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 15, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-05-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such ordinance on May 14, 1984;

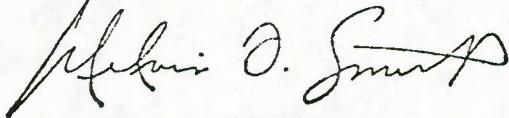
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1984.

Certified and signed this
22nd day of May 1984.



Melvin O. Smith
Secretary

BILL NO. Z-84-05-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-42

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury
Samuel J. Talarico

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

Charles B. Redd

MARK E. GIAQUINTA

Mark E. Giacinta

JAMES S. STIER

CONCURRED IN 6-12-84
SANDY E. KENNEDY, CITY CLERK

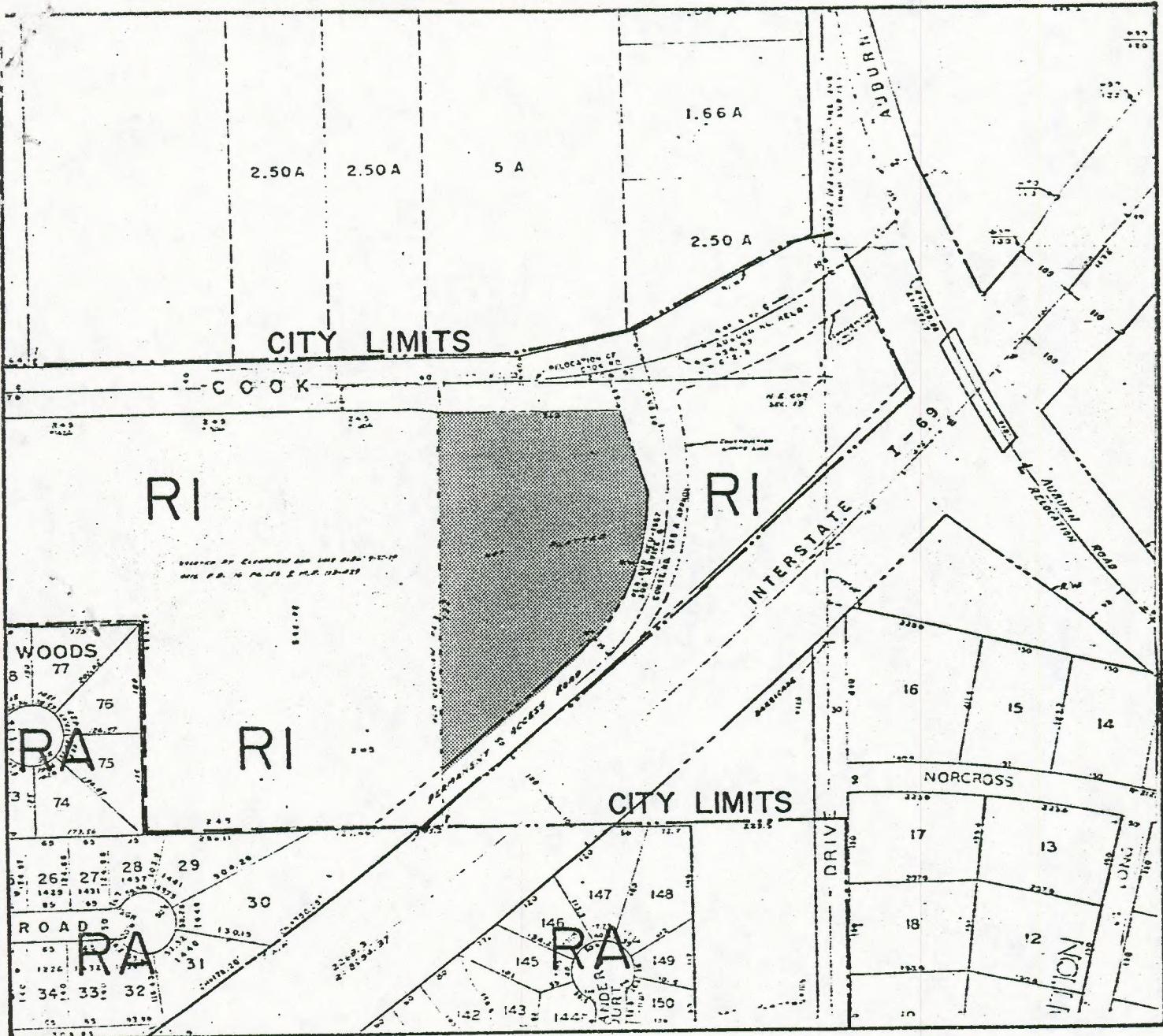
RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10658

Ft. WAYNE, IND., March 22 1984

RECEIVED FROM Civic Center Company \$ 50.00
THE SUM OF Fifty Dollars 100 DOLLARS
ON ACCOUNT OF Rezoning Study Fee
1700 E. Cook Road
Gay Butz
AUTHORIZED SIGNATURE



A PETITION TO AMEND THE ZONING MAP BY
RECLASSIFYING DESCRIBED PROPERTY FROM AN R-I
TO AN RA DISTRICT.

MAP NO. O-42

Z-84-05-11

4-18-84



The City of Fort Wayne
DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

22 May 1984

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held May 21, 1984. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-84-05-11
2. From R-1 to RA
3. Intended Use: Addition to present apartment project.
4. Plan Commission Recommendation: DO PASS

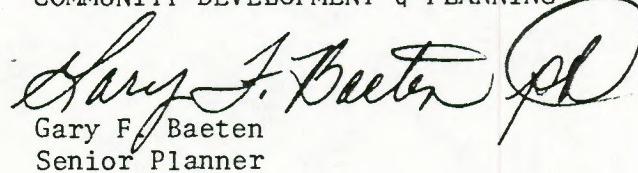
This ordinance received a DO PASS recommendation for the following reason:

REASON: The use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

DIGEST SHEET

ORIGINALTITLE OF ORDINANCE Zoning Map AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE A 3.632 acre parcel located on the southwest corner of I-69 and Cook Road.3-84-05-11EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.
Property will become RA - Suburban Residential.EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)